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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,181	01/26/2004	Jun Kakuta	1466.1085	6518
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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER ROBINSON BOYCE, AKIBA K	
			ART UNIT 3628	PAPER NUMBER
			MAIL DATE 04/11/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/763,181

Applicant(s)

KAKUTA ET AL.

Examiner

AKIBA K. ROBINSON BOYCE

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. Due to communications filed 1/7/08, the following is a final office action. Claims 1-5, 7 and 8 have been amended. Claim 9 has been added. Claims 1-9 are pending in this application and have been examined on the merits. The previous rejection has been maintained with the exception of minor changes to reflect claim amendments. Claims 1-9 are rejected as follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Barnes (US 2003/0065805 A1).

As per claims 1, 8, Barnes discloses:

a request acceptance portion for accepting request information indicating a request for providing a service, the request being sent by a customer/ means for processing an acceptance of a request..., ([0155]-[0156], receiving user input about a point of interest for a location based service, and optionally enter into a commercial exchange to buy a product, w/([0277], user can use the device to request vendor information, which includes vendor location info);

a current position information obtaining portion for obtaining current position information that indicates a current position the customer relating to the request information/ means for obtaining current position information..., ([0316], lines 1-4, device monitors location of user);

an area information storage portion for storing area information that defines a predetermined area around a provision position of the service/ means for obtaining area information..., ([0162], database may store available points of interest [vendor locations] limited to a predetermined area, w/[0164], shows that after the available points of interest meeting the criteria are determined, the closest point of interest meeting the selection criteria is determined, which includes determining the distance to the available points of interest meeting the criteria and selecting the one with the shortest distance, w/ [0141], data storage rules based on location of user);

an existence decision portion for deciding whether or not the customer relating to the request information is within the predetermined area in accordance with the current position information and the area information/ means for deciding whether or not...,

(([0136], lines 4-9, location transmitted to remote destination if user enters a restricted location); and

a reservation acceptance processing portion that performs a reservation acceptance process for accepting a reservation of the service that relates to the request when it is decided that the customer who made the request is within the predetermined area and does not perform the reservation acceptance process when it is decided that the customer is not within the predetermined area/ means for performing a process..., ([0196], shows that a if the hotel that a user has made a reservation with is within a predetermined distance with the user's location, the device will automatically check the user into the hotel, or in other words, complete the reservation, w/ [0321], if user is in a restricted location, user can not make a request [engage in requested action, and therefore can not make a reservation]).

As per claim 2, Barnes discloses:

a provided quantity information obtaining portion for obtaining provided quantity information concerning a quantity of the service that can be provided, wherein the area information has a parameter that indicates the quantity, so that the predetermined area is correlated to the quantity indicated by the parameter, and the existence decision portion performs the decision by deciding whether or not the customer relating to the request information is within an area that is defined in accordance with the quantity indicated by the provided quantity information and the area information, ([0181, quantity, w/[0162], database may store available points of interest [vendor locations] limited to a

predetermined area, w/ [0316], restricted location w/[0135], restrictions stored in device, w/ [0141], data storage rules based on location of user).

As per claim 3, Barnes discloses:

wherein the request acceptance portion accepts the request information together with a designation of a desired time for receiving the service, the area information has a parameter that indicates a time so that the predetermined area is correlated to the time indicated by the parameter, and the existence decision portion performs the decision by deciding whether or not the customer relating to the request information is within an area that is defined in accordance with the time related to the designation and the area information, ([0032], predetermined distance may be for different times, w/[0162], database may store available points of interest [vendor locations] limited to a predetermined area, w/ [0316], restricted location w/[0135], restrictions stored in device, w/ [0141], data storage rules based on location of user).

As per claim 4, Barnes discloses:

wherein if a request for a temporary reservation is received from the customer after the result of the decision that the customer relating to the request information is not within the predetermined area is obtained, the current position information obtaining portion obtains the new current position information of the customer, the existence decision portion performs a new decision in accordance with the new current position information, and the reservation acceptance processing portion performs the reservation acceptance process if it the new decision is that the customer is within the predetermined area, ([0015], triggering an action based on change in location data).

As per claim 5, Barnes discloses:

an arrival time forecast portion for forecasting a time of arrival when the customer relating to the request information for the reservation that was processed by the reservation acceptance process will arrive at the provision position, ([0176], estimate arrival time);

an arrival possibility decision portion for deciding whether or not the customer who made the request will arrive by the forecasted time of arrival in accordance with the time of arrival, the present time and new current position information of the customer that was obtained newly after the reservation acceptance process had been performed, ([0211], transmits a time user should arrive); and

a cancel processing portion for performing a process for canceling the reservation related to the request information when it is decided that the customer related to the request information will not arrive by the forecasted time of arrival, ([0211], counterfeit tickets, therefore inherent that reservation is cancelled).

As per claim 6, Barnes discloses:

a request acceptance portion for accepting a request for parking a car in the parking lot, ([0155]-[0056], receiving user input and optionally enter into a commercial exchange to buy a product, w/ [0100], parking lot);

a current position information obtaining portion for obtaining current position information that indicates a current position of a customer who made the request, ([0316], lines 1-4, device monitors location of user);

an area information storage portion for storing area information that defines a predetermined area around the parking lot, ([0162], database may store available points of interest [vendor locations] limited to a predetermined area, w/[0164], shows that after the available points of interest meeting the criteria are determined, the closest point of interest meeting the selection criteria is determined, which includes determining the distance to the available points of interest meeting the criteria and selecting the one with the shortest distance, w/ [0141], data storage rules based on location of user);

an existence decision portion for deciding whether or not the customer who made the request is within the predetermined area in accordance with the current position information and the area information, ([0136], lines 4-9, location transmitted to remote destination if user enters a restricted location); and

a reservation acceptance processing portion that performs a reservation acceptance process for accepting a reservation of the parking lot for the customer when it is decided that the customer who made the request is within the predetermined area and does not perform the reservation acceptance process when it is decided that the customer is not within the predetermined area, ([0196], shows that a if the hotel that a user has made a reservation with is within a predetermined distance with the user's location, the device will automatically check the user into the hotel, or in other words, complete the reservation, w/ [0321], if user is in a restricted location, user can not make a request [engage in requested action, and therefore can not make a reservation]).

As per claim 7, Barnes discloses:

a traffic information obtaining portion for obtaining traffic information around the parking lot or the customer who made the request, the traffic information being transmitted from an information providing portion, ([0327], receiving information relating to traffic at point of interest, w/ [0100], where point of interest can be a parking lot); and

a demand forecast portion for forecasting a future demand of the parking lot in accordance with the obtained traffic information, ([0164], shows traffic delays and selecting available points of interest [parking lots] meeting selection criteria to which user will have shortest travel time);

wherein the area information has a parameter that indicates a quantity of the demand, so that the predetermined area is inversely correlated with the quantity indicated by the parameter, ([0162], database may store available points of interest [vendor locations/parking lots] limited to a predetermined area, w/ [0316], restricted location w/[0135], restrictions stored in device, w/ [0141], data storage rules based on location of user); and

the existence decision portion performs the decision by deciding whether or not the customer who made the request is within an area that is defined in accordance with the forecasted demand and the area information, ([0136], lines 4-9, location transmitted to remote destination if user enters a restricted location).

As per claim 9, Barnes discloses:

A request receiving unit to receive a request fro providing a service, from a customer, ([0155], device for receiving user input about a point of interest for a location

based service, w/([0277], user can use the device to request vendor information, which includes vendor location info);

A location unit to obtain a current position the customer, ([0316], lines 1-4, device monitors location of user);

An information storage unit to store area information defining an area around a provision position of the service, ([0162], database may store available points of interest [vendor locations] limited to a predetermined area, w/[0164], shows that after the available points of interest meeting the criteria are determined, the closest point of interest meeting the selection criteria is determined, which includes determining the distance to the available points of interest meeting the criteria and selecting the one with the shortest distance, w/ [0141], data storage rules based on location of user);

A decision unit deciding whether the customer receives the service according to the request depending on the area information an the current position of the customer and to communicate the decision to the customer, ([0136], lines 4-9, location transmitted to remote destination if user enters a restricted location); and

A reservation unit to reserve the service for the customer when the decision unit decided that the customer is within the area around a provision position of the service, ([0196], shows that a if the hotel that a user has made a reservation with is within a predetermined distance with the user's location, the device will automatically check the user into the hotel, or in other words, complete the reservation, w/ [0321], if user is in a restricted location, user can not make a request [engage in requested action, and therefore can not make a reservation]).

Response to Arguments

4. Applicant's arguments, see remarks, filed 1/7/08, with respect to claims 2-5 and 7 have been fully considered and are persuasive. The 35 U.S.C. §112 rejection of claims 2-5 and 7 has been withdrawn.
5. Applicant's arguments filed 1/7/08 have been fully considered but they are not persuasive.

As per claim 1, applicant argues that in Barnes, a customer receives (i.e., may use) information about available services (points of interest) depending on his location, while in the present invention, the customer requests a service and he may receive ("reservation acceptance") the service or not depending on his location. Applicant further argues that the decision factor in Barnes is the customer, while the decision factor in claim 1 is the reservation acceptance system, and that the reservation acceptance system of claim 1 reaches a decision on whether or not to reserve the service for the customer. However, although true that the Barnes discloses the receipt of information about available service depending on the location as described by the applicant, the customer still requests these services through use of a device as shown in the rejection in [0155]-[0156], where user input about a point of interest for a location based service is received, and also optionally entering into a commercial exchange to buy a product. Also, in [0277], Barnes discloses that a user can use the device to request vendor information, which includes vendor location info and upon receiving

satisfactory vendor information, reservation can be made. Therefore, Barnes discloses the request of a service (via a location based service), and in turn, receiving the service depending on the location.

Applicant also argues that Barnes does not teach or suggest "an area information storage portion for storing area information that defines a predetermined area around a provision position of the service". Since Barnes provides to the user information about services (points of interest) around the user's location, while according to claim 1, the area information defines an area surrounding the location where the service is provided. However, examiner has further defined the rejection to include [0164], which further shows that after the available points of interest meeting the criteria are determined, the closest point of interest meeting the selection criteria is determined, which includes determining the distance to the available points of interest meeting the criteria and selecting the one with the shortest distance. In this case, although true that Barnes provides information about services around the user's location, additional information about points with the shortest distance to the points of interests, (which in this case are the service locations) is provided.

Applicant also argues that Barnes does not teach or suggest "a reservation acceptance processing portion that performs a reservation acceptance process for accepting a reservation of the service that relates to the request information when it is decided that the customer who relating to the request information is within the predetermined area and does not perform the reservation acceptance process when it is decided that the customer is not within the predetermined area". However examiner

has cited [0277], to show that a user can use the device to request vendor information, which includes vendor location info. In this case, the vendor location information represents the service since Barnes is based on service locations. Also, upon receiving satisfactory vendor location information, reservation can be made. However, it is shown in [0321], that if user is in a restricted location, user can not make a request [engage in requested action, and therefore can not make a reservation, therefore, the reservation is accepted when it is determined that the user. Also, examiner has revised rejection to include [0196], where it shows that a if the hotel that a user has made a reservation with is within a predetermined distance with the user's location, the device will automatically check the user into the hotel, or in other words, complete the reservation, which meets the claim limitation discussed.

Applicant also argues that in claim 1, the existence decision portion and the reservation acceptance processing portion of the reservation acceptance system determine and perform whether a request for service is accepted and a reservation is performed based on whether the user is within the predetermined area around a provision position of the service. In contrast to claim 1, in Barnes, a terminal of a service user determines whether to place an order for a product or to make a request for a service based on information about points of interest around the user's position. However, the terminal provides the existence decision portion and the reservation acceptance processing portion of the invention embodied in a device.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

•Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.
April 11, 2008

/Akiba K Robinson-Boyce/
Primary Examiner, Art Unit 3628